

HOUSE BILL 2545  
By Overbey

AN ACT to amend Tennessee Code Annotated, Title 33, relative to audio-video conferencing for probable cause commitment proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-6-418, is amended by designating the existing language as subsection (a) and by adding the following as new subsections:

(b) Subject to availability of suitable equipment, notwithstanding any provision of law to the contrary, at the discretion of the court, the probable cause hearing may be conducted through two-way electronic audio-video communication without the defendant's witnesses' or attorneys' physical presence before the court. Any such hearing must be conducted so that:

(1) The defendant and judge can see and hear each other throughout the entire hearing (except for private communications between the defendant and the defendant's attorney);

(2) The judge, defendant and defendant's attorney can see and hear all witnesses while they testify orally during the hearing;

(3) The judge, defendant and defendant's attorney can hear all questions asked of witnesses during their testimony;

(4) The judge, defendant and defendant's attorney can hear all questions, statements, objections, motions and argument of any attorney or party participating in the hearing; and

(5) The defendant and defendant's attorney can communicate privately with each other during the hearing.

(c) The defendant, attorney, hospital or other treatment resource, guardian ad litem (if appointed) or any attorney participating in the probable cause hearing may request that the hearing be conducted in the physical presence of the court, but the court may exercise its discretion in determining whether to grant such a request. The defendant shall be notified prior to the time of the probable cause hearing of the right to request that the entire hearing be conducted in the physical presence of the court.

SECTION 2. Tennessee Code Annotated, Section 33-6-421, is amended by adding the following language at the end of the subsection:

Certificates of need required by this section may be delivered to the court by telefax transmission.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.